

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America)

v.)

KENNETH D. SAUNDERS)

Case No. 19-1844-M)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 18, 2019 in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

Title 18, United States Code,
 Section 922(g)(1)

Offense Description

On July 18, 2019, in the Eastern District of Pennsylvania, Kenneth D. Saunders, knowing he had been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment exceeding one year, that is, possession of a firearm by a person not permitted to possess a firearm, in violation of 18 Pa. C.S. Section 6105(a)(1), knowingly possessed a firearm and ammunition, that is, a Taurus Model PT908 9mm pistol, loaded with nine rounds of ammunition, which firearm and ammunition were in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent Jared Krzywicki of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

☒ Continued on the attached sheet.


 Complainant's signature
 ATF Special Agent Jared Krzywicki

Printed name and title

Sworn to before me and signed in my presence.

Date:

October 31, 2019


 Judge's signature

City and state: Philadelphia, Pennsylvania

United States Magistrate Judge David R. Strawbridge

Printed name and title

AFFIDAVIT

I, JARED KRZYWICKI, being duly sworn depose and state that:

BACKGROUND

1. I am a Special Agent for the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), and have been so employed since July 2017. Prior to being employed by the ATF, I worked as a Philadelphia Police Officer for 10 years, assigned to the 18th and 25th Districts. While assigned to the 25th District I worked in the tactical unit focusing on violent crimes, and the Narcotics Enforcement Team focusing on narcotics sales throughout the Eastern Division of Philadelphia (Kensington). As a Police Officer, I gained valuable experience while making hundreds of felony arrests, and also participating in hundreds of investigations and warrants. I am currently assigned to ATF Philadelphia Group VII, which is a Firearms Enforcement Group, whose primary responsibilities include investigating violent crime involving the illegal use, possession, and sale of firearms. In my tenure as an ATF Special Agent, I have directed and assisted in investigations relating to federal firearms violations. As a result of my training and experience, I am familiar with federal firearms laws with respect to which I have enforcement authority, including laws prohibiting felons from possessing firearms.
2. The information contained in this affidavit is based upon: my review of Philadelphia Police Department reports prepared by police officers with personal knowledge of the contents of the reports; my debriefing of Philadelphia Police Officer Timothy Bachman, who participated in the investigation and arrest of

Kenneth Saunders on July 18, 2019; my review of a videotape of the July 18, 2019 arrest of Kenneth Saunders obtained from the body camera of Police Officer Bachman; and other documents and records containing facts supporting probable cause. All of the information attributed to other law enforcement officers has been related to your affiant, and your affiant believes it to be factual and truthful. Because this affidavit is being submitted for the limited purpose of securing authorization to arrest KENNETH D. SAUNDERS, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause.

FACTS ESTABLISHING PROBABLE CAUSE

3. On or about July 18, 2019, at approximately 4:25 a.m., Philadelphia Police Department officers responded to the area of Broad and Lindley Streets in Philadelphia, Pennsylvania, in response to a report of a person with a gun. The report included information that a black male had threatened to shoot a female he was arguing with. After arriving at the location, Officer Bachman attempted to speak with a black male, later identified as KENNETH D. SAUNDERS, who was walking away from the location, heading north on Broad Street. As SAUNDERS walked past Officer Bachman, he observed a bulge on SAUNDERS' right hip which Officer Bachman believed to be was the handle of a firearm. Officer Bachman instructed the male to come to him, and attempted to grab the male's arm. At that time, SAUNDERS ran North on Broad Street. SAUNDERS continued to run away despite multiple commands from Officer Bachman to stop. As Officer Bachman chased SAUNDERS, he observed SAUNDERS reaching

towards his waist area. Officer Bachman continued to chase SAUNDERS until they came to an alleyway behind the 5300 block of North Broad Street. Officer Bachman observed that SAUNDERS had the firearm in his right hand. As SAUNDERS slowed his pace, he turned toward Officer Bachman and pointed the gun at Officer Bachman. Bachman observed the male trip and fall over backwards, and then attempt to stand back up with the firearm in his hand. Officer Bachman observed SAUNDERS drop the firearm between his legs, cover the firearm with his legs, and put his hands in the air while remaining seated on the ground. Officer Bachman placed SAUNDERS in handcuffs, and picked up the firearm from the ground where SAUNDERS was sitting.

4. Police officers on the scene determined that the firearm was a Taurus, Model PT908, 9mm pistol, bearing an obliterated serial number, and loaded with eight (8) live rounds in the magazine and one (1) live round in the chamber. A records check revealed that SAUNDERS had multiple prior felony convictions and therefore, was not lawfully able to possess a firearm.
5. Your affiant observed photographs of the firearm taken by PPD Detectives and determined it to be a Taurus, Model PT908, 9mm pistol, with an obliterated serial number. Based on this information, ATF Special Agent Shiva Raja, a firearms nexus examiner, determined that the firearm was designed to discharge a projectile by an explosive action, and that the firearm was not manufactured in the Commonwealth of Pennsylvania, and thus had traveled in interstate commerce.
6. A review of court documents from the First Judicial District of Pennsylvania confirms that SAUNDERS has, among others, the following prior felony


conviction: in 2015, SAUNDERS was convicted in the Philadelphia Common Pleas Court of unlawful possession of a firearm and carrying a firearm without a license, in violation of Title 18, Pennsylvania Consolidated Statutes, Sections 6105(a)(1), and 6106(a)(1), and was sentenced to a term of imprisonment of four to ten years. Based upon court records reflecting that SAUNDERS entered a guilty plea to the foregoing charges and was sentenced to term of imprisonment of four to ten years, I have reason to believe that at the time he committed the instant offense on July 18, 2019, SAUNDERS had knowledge of these prior convictions.

CONCLUSION

7. Based on the foregoing facts and information, I have probable cause to believe that on or about July 18, 2019, in the Eastern District of Pennsylvania, KENNETH D. SAUNDERS, after having been convicted of a crime in the Commonwealth of Pennsylvania punishable by a term of imprisonment exceeding one year, and knowing at the time that he had been convicted of that offense, knowingly possessed a firearm and ammunition, in and affecting interstate and foreign commerce, in violation Title 18 United States Code, Section 922(g)(1).


JARED KRZYWICKI
ATF Special Agent

Subscribed to and Sworn before me
this 31 day of October, 2019.


HONORABLE DAVID R. STRAWBRIDGE
United States Magistrate Judge